

PATENT COOPERATION TREATY

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REC'D 13 JUN 2005

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 75271		FOR FURTHER ACTION See Form PCT/IPEA/416																	
International application No. PCT/IB2004/050854	International filing date (day/month/year) 07-06-2004 ✓	Priority date (day/month/year) 06-06-2003 ✓																	
International Patent Classification (IPC) or national classification and IPC F16K 3/02, B81B 3/00																			
Applicant WIJNGAART, WOUTER VAN DER ✓																			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <table border="0"><tr><td><input checked="" type="checkbox"/> Box No. I</td><td>Basis of the report</td></tr><tr><td><input type="checkbox"/> Box No. II</td><td>Priority</td></tr><tr><td><input type="checkbox"/> Box No. III</td><td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td></tr><tr><td><input checked="" type="checkbox"/> Box No. IV</td><td>Lack of unity of invention</td></tr><tr><td><input checked="" type="checkbox"/> Box No. V</td><td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td></tr><tr><td><input type="checkbox"/> Box No. VI</td><td>Certain documents cited</td></tr><tr><td><input type="checkbox"/> Box No. VII</td><td>Certain defects in the international application</td></tr><tr><td><input type="checkbox"/> Box No. VIII</td><td>Certain observations on the international application</td></tr></table>				<input checked="" type="checkbox"/> Box No. I	Basis of the report	<input type="checkbox"/> Box No. II	Priority	<input type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input checked="" type="checkbox"/> Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/> Box No. VI	Certain documents cited	<input type="checkbox"/> Box No. VII	Certain defects in the international application	<input type="checkbox"/> Box No. VIII	Certain observations on the international application
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Date of submission of the demand 05-04-2005		Date of completion of this report 30-05-2005																	
Name and mailing address of the IPEA/SE Patent- och registreringsverket Box 5055 S-102 42 STOCKHOLM Facsimile No. +46 8 667 72 88		Authorized officer Erik Miliander /ITW Telephone No. +46 8 782 25 00																	

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/IB2004/050854

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☒ the international application as originally filed/furnished
- ☐ the description:
- pages _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ the claims:
- pages _____ as originally filed/furnished
- pages* _____ as amended (together with any statement) under Article 19
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ the drawings:
- pages _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to the sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to the sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

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Box No. IV Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees the applicant has:

- ☐ restricted the claims.
- ☐ paid additional fees.
- ☐ paid additional fees under protest.
- ☒ neither restricted nor paid additional fees.

2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is:

- ☐ complied with.
- ☒ not complied with for the following reasons:

The following separate inventions were identified:

I: Claims 1-17 and 24-26 directed to a microvalve for flow regulation and a method for its operation.

II: Claims 18-23 directed to a microsystem for electro-pneumatic pressure control.

A partial search has been carried out, which relates to the invention I mentioned above.

The applicant is invited to pay an additional fee for invention II as listed above.

The present application has been considered to contain two inventions which are not linked such that they form a single general inventive concept, as required by Rule 13 PCT for the following reasons:

Claim 1 and 24 relate to the problem of flow regulation and a method for the operation of a microvalve. This problem appears to be solved by an obstruction element, operated by an actuator, which is displaceable in a plane substantially

.../...

4. Consequently, this report has been established in respect of the following parts of the international application:

- ☐ all parts.
- ☒ the parts relating to claims Nos. 1-17, 24-26

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>1-17, 24-26</u>	YES
	Claims		NO
Inventive step (IS)	Claims	<u>1-17, 24-26</u>	YES
	Claims		NO
Industrial applicability (IA)	Claims	<u>1-17, 24-26</u>	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

Documents cited in the International Search Report:

D1: US6131879

D2: US2003070716

D3: US6523560

D4: DE10027354

The cited documents represent the general state of the art.
The invention defined in claims 1-17 and 24-26 is not
disclosed by any of these documents.

The cited prior art does not give any indication that would lead a person skilled in the art to the claimed invention of flow regulation and a method for the operation of a microvalve, which is displaceable in a plane substantially perpendicular to the flow. Therefore, the claimed invention is not obvious to a person skilled in the art.

Accordingly, the invention defined in claims 1-17 and 24-26 is novel and is considered to involve an inventive step. The invention is industrially applicable.

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: BOX IV

perpendicular to the flow.

Claim 18 relates to the problem of controlling a microsystem of valves and ports. This problem is solved by using control signals to open and close the valves in order to control the flow between supply port, the vent port and the work port.

As both problems and solutions are technically different, no single general concept can be formulated based on the technical features of the inventions. Consequently, the requirements of Rule 13.1 PCT are not met.

It was investigated under Rule 13.2 if any further features, either in the claims or derivable from the description, could be considered as a same or corresponding feature and which could be considered a special technical feature establishing a technical link between the two groups of inventions.

No such features were identified.

Consequently, the two groups of inventions are not so linked as to form a single general inventive concept as required by Rule 13.1 PCT.